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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,280	08/17/2001	Jonas Ohlsson	2380-486	1170

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EXAMINER

FOX, BRYAN J

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/931,280	Applicant(s) OHLSSON ET AL.	
	Examiner Bryan J Fox	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/17/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6-10, and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nyhart et al (US005408517A).

Regarding **claim 1**, Nyhart discloses a method for synchronizing handoff (see column 1, lines 6-9) in a system where a mobile phone is in a handoff from a source base 104 to a destination base 106 (see figure 1), which reads on the claimed “for use in a telecommunications system having a source base station and a destination base station where a specified mobile station establishes a connection with the source base station”. Nyhart further discloses that the destination base 106 and the source base 104 are synchronized and the destination base will only see the communication unit activity. Then the controller 102 tells the source base 104 to begin the handoff (see column 2, lines 37-44 and figure 1), which reads on the claimed “initiating at the destination base station a preliminary portion of a handover sequence for the specified mobile station, the preliminary portion of the handover sequence including uplink radio synchronization with respect to the specified mobile station”. The destination base station begins transmitting in step 10 (see column 3, lines 14-17), which reads on the

claimed "initiating at the destination base station another portion of a handover sequence for the specified mobile station".

Regarding **claim 2**, Nyhart discloses a method for synchronizing handoff (see column 1, lines 6-9) in a system where a mobile phone is in a handoff from a source base 104 to a destination base 106 (see figure 1), which reads on the claimed "for use in a telecommunications system having a source base station and a destination base station where a specified mobile station establishes a connection with the source base station". Nyhart further discloses that the destination base 106 and the source base 104 are synchronized and the destination base will only see the communication unit activity. Then the controller 102 tells the source base 104 to begin the handoff (see column 2, lines 37-44 and figure 1), which reads on the claimed "initiating at the destination base station a preliminary portion of a handover sequence for the specified mobile station" and "the preliminary portion of the handover sequence involving an operation between the destination base station and the specified mobile station that are more time critical than operations performed during the another portion of the handover sequence". The destination base station begins transmitting in step 10 (see column 3, lines 14-17), which reads on the claimed "initiating at the destination base station another portion of a handover sequence for the specified mobile station".

Regarding **claim 6**, Nyhart discloses that before the handover occurs, the destination base synchronizes (see column 2, lines 39-44), which reads on the claimed "the preliminary portion of the handover sequence comprises... performing uplink radio

synchronization with respect to the specified mobile station and the destination base station”.

Regarding **claim 7**, Nyhart discloses a preliminary portion of the handover sequence and another portion of the handover sequence as claimed in claims 1 or 2 (see rejections of claims 1 and 2 above). In a handover, the last portion is where the source base station stops transmission and the destination base station begins transmission. Nyhart discloses this as the last step in the sequence (see step 22, figure 2), which reads on the claimed “another portion of the handover sequence comprises remaining events of a convention handover sequence”.

Regarding **claim 8**, Nyhart discloses that the destination base station begins transmitting in step 10 (see column 3, lines 14-17) after synchronization, which reads on the claimed “the another portion of the handover sequence comprises one or more of the following...turning on a transmitter at the destination base station to transmit to the specified mobile station”.

Regarding **claim 9**, Nyhart discloses a method for synchronizing handoff (see column 1, lines 6-9) in a system where a mobile phone is in a handoff from a source base 104 to a destination base 106 (see figure 1), which reads on the claimed “telecommunications system comprising a control node and a destination base station”. Nyhart further discloses that the destination base 106 and the source base 104 are synchronized and the destination base will only see the communication unit activity. Then the controller 102 tells the source base 104 to begin the handoff (see column 2, lines 37-44 and figure 1), which reads on the claimed “the control node initiates at the

destination base station a preliminary portion of a handover sequence for the specified mobile station” and “the destination base station, in performing the preliminary portion of the handover sequence, performs uplink radio synchronization with respect to the specified mobile station”. The destination base station begins transmitting in step 10 (see column 3, lines 14-17), which reads on the claimed “then subsequently initiates at the destination base station another portion of a handover sequence for the specified mobile station”.

Regarding **claim 10**, Nyhart discloses a method for synchronizing handoff (see column 1, lines 6-9) in a system where a mobile phone is in a handoff from a source base 104 to a destination base 106 (see figure 1), which reads on the claimed “telecommunications system comprising a control node and a destination base station”. Nyhart further discloses that the destination base 106 and the source base 104 are synchronized and the destination base will only see the communication unit activity. Then the controller 102 tells the source base 104 to begin the handoff (see column 2, lines 37-44 and figure 1), which reads on the claimed “the control node initiates at the destination base station a preliminary portion of a handover sequence for the specified mobile station” and “the destination base station, in performing the preliminary portion of the handover sequence, performs operations which are more time critical than operations included in the another portion of the handover sequence”. The destination base station begins transmitting in step 10 (see column 3, lines 14-17), which reads on the claimed “then subsequently initiates at the destination base station another portion of a handover sequence for the specified mobile station”.

Regarding **claim 14**, Nyhart discloses that before the handover occurs, the destination base synchronizes (see column 2, lines 39-44), which reads on the claimed "the preliminary portion of the handover sequence comprises...performing uplink radio synchronization with respect to the specified mobile station and the destination base station".

Regarding **claim 15**, Nyhart discloses a preliminary portion of the handover sequence and another portion of the handover sequence as claimed in claims 1 or 2 (see rejections of claims 1 and 2 above). In a handover, the last portion is where the source base station stops transmission and the destination base station begins transmission. Nyhart discloses this as the last step in the sequence (see step 22, figure 2), which reads on the claimed "another portion of the handover sequence comprises remaining events of a convention handover sequence".

Regarding **claim 16**, Nyhart discloses that the destination base station begins transmitting in step 10 (see column 3, lines 14-17) after synchronization, which reads on the claimed "the another portion of the handover sequence comprises one or more of the following...turning on a transmitter at the destination base station to transmit to the specified mobile station".

Regarding **claim 17**, Nyhart discloses that the controller 102 (see figure 1) can be a network controller which interfaces a public switch telephone network with a plurality of base stations 104 and 106 (see column 1, lines 62-67), which reads on the claimed "the control node is a radio network control (RNC) node of a radio access network".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nyhart in view of Blakeney, II et al (US005267261A).

Regarding **claims 3 and 11**, Nyhart fails to expressly disclose measurements during the handover.

In a similar field of endeavor, Blakeney, II et al discloses a system where the mobile station measure the pilot strength to trigger and handoff and again to trigger the source base station to discontinue transmission (see figure 8), which reads on the claimed "initiating the preliminary portion of the handover sequence upon receipt of a first measurement report from the specified mobile station; and initiating the another

portion of the handover sequence upon receipt of a second measurement report from the specified mobile station”.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Nyhart to include the above measurements as taught by Blakeney, II et al in order to provide greater service reliability and quality as suggested by Blakeney, II et al (see column 3, lines 19-24).

Regarding **claims 4 and 12**, Nyhart fails to expressly disclose that upon receipt of the first measurement report from the specified mobile station, a control node allocates uplink resources for the specified mobile station to communicate with the destination base station.

In a similar field of endeavor, Blakeney, II et al discloses that upon receipt of the first pilot signal measurement signal, the MTSO communicates with base station B relevant setup information relative to the mobile station to establish communications with the mobile station (see Blakeney, II et al column 25, lines 59-62), which reads on the claimed “upon receipt of the first measurement report from the specified mobile station, a control node allocates uplink resources for the specified mobile station to communicate with the destination base station.”

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Nyhart with Blakney, II et al to include the above communication of relevant setup information to establish communications with the mobile station in order to provide greater service reliability and quality as suggested by Blakeney, II et al (see column 3, lines 19-24).

Regarding **claims 5 and 13**, Nyhart fails to expressly disclose the first measurement report from the specified mobile station and second measurement report from the specified mobile station include differing values of a signal quality measurement of a pilot signal from the destination base station as received by the specified mobile station.

In a similar field of endeavor, Blakeney, II et al discloses that both measurements are pilot strength measurements (see Blakeney, II et al figure 8), which reads on the claimed "the first measurement report from the specified mobile station and the second measurement report from the specified mobile station include differing values of a signal quality measurement of a pilot signal as received by the specified mobile station".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Nyhart with Blakeney, II et al to include the above pilot strength measurements in order to provide greater service reliability and quality as suggested by Blakeney, II et al (see column 3, lines 19-24).

Response to Arguments

Applicant's arguments filed January 14, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., soft handover) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant argues that Nyhart et al fail to disclose uplink radio synchronization. The examiner respectfully disagrees. The synchronization disclosed by Nyhart et al (see column 2, line 13 – column 3, line 17) reads on the broadest reasonable interpretation in light of the specification of “uplink radio synchronization.”

The applicant argues that Neither Nyhart et al nor Blakney, II et al disclose a two separate step or two separate portion handover sequence and no two-separate portion handover sequence in which the two distinct portions are initiated by two separate measurement reports. The examiner respectfully disagrees. Nyhart discloses different portions of a handover (see column 2, line 13 – column 3, line 17) and Blakney, II et al discloses a system where the mobile station measure the pilot strength to trigger and handoff and again to trigger the source base station to discontinue transmission (see figure 8).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bryan Fox
June 3, 2005

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